

TRANS

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DECISION

**THE COMPTROLLER GENERAL
OF THE UNITED STATES**
WASHINGTON, D. C. 20548

FILE: B-198301

DATE: May 1, 1980

MATTER OF: Department of the Interior - [Inadvertent use of Travel Agents] *AGC 00233*

DIGEST:

Employee of Department of Interior and traveler whose transportation is reimbursable by that Department, unaware of regulation precluding use of travel agents, purchased airline tickets from travel agencies with personal funds. Reimbursement is permissible in an amount not exceeding cost of transportation if transportation had been purchased directly from carrier.

The Assistant Secretary for Policy, Budget and Administration of the United States Department of the Interior (Interior) requests an exemption from our restrictions against the use of travel agents to procure official Government travel, see 4 Code of Federal Regulations (CFR) 52.3, for an Interior employee and another traveler whose travel is to be paid by Interior. The purpose of the exemption is to permit reimbursement for roundtrip air fare purchased from travel agents with personal funds. The travel involved transportation to Washington, D.C., in connection with a meeting with Secretary of the Interior Cecil D. Andrus concerning the Pacific Fishery Management Council Salmon Management Plan for 1980. The Assistant Secretary states that both travelers responsible for procuring the passenger transportation services from the travel agents were unaware of the requirement restricting the use of travel agencies. Furthermore, he states that Interior personnel are currently being advised of the restrictions on the use of travel agents for official Government travel, and he believes that equity and fairness dictate that an exemption should be authorized in this instance since the Government received the benefit of the transportation.

In our decision, B-103315, August 1, 1978, in response to a similar request by the Assistant Secretary of the Army (Manpower and Reserve Affairs) we held that members or civilian employees of the uniformed services who individually purchase official transportation from

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a travel agent with personal funds without prior approval by the administrative office can be reimbursed in an amount which does not exceed charges which would have been payable if the transportation had been purchased directly from the carrier. We did require that those granted the individual exemption should be admonished that official Government travel ordinarily is purchased directly from the carrier in the absence of an advance administrative determination that group or charter fares sold by the travel agents will result in a lower cost to the Government and will not interfere with official business. Our decision has been incorporated in both the Military and Civilian Personnel volumes of the Joint Travel Regulations (JTR). See, 1 JTR paragraph M2200, 2204 and 2 JTR paragraph C2207. See also, 58 Comp. Gen. 710 (1979).

With respect to civilian employees of the United States, paragraph 1-3.4(b) of the Federal Travel Regulations (FTR) publishes provisions relating to the use of reduced fares offered by the carriers and by the travel agents. Subparagraph (1) provides for the use of the lower fares offered by the carriers when it can be determined prior to the start of the trip that such services are practical and economical to the Government. Subparagraph (2) authorizes the use of group or charter fares sold by travel agents when such use will not interfere with the performance of official business. An administrative determination is required prior to the travel that the use of the reduced fares will result in a monetary savings to the Government, and will not interfere with the conduct of official business.

More specific guidance as to the use of travel agents is found in the General Services Administration (GSA) transportation audit regulations, specifically, 41 CFR 101-41.203.1(a), which states that transportation services whether procured by the use of cash, the Government Transportation Request or otherwise, generally must be procured direct from carriers and that travel agencies may be used only to the extent permitted by the regulations of the General Accounting Office (GAO) (4 CFR 52.3) or GAO's specific exemption therefrom. Our regulations prohibit the use of travel agencies within North America, from the United States or its possessions to foreign countries, and between the

United States and its possessions, and between and within its possession. 4 CFR 52.3(a). However, both the GSA and GAO regulations are addressed to Federal agencies generally, not specifically to individual Government travelers, whose travel procedures are found in the FTR or the JTR. Therefore, we are not prepared to say individual travelers on official Government business can be charged with notice of these provisions.

We believe that the same principle set out in our decision, B-103315, supra and 58 Comp. Gen. 710 is applicable to this case. A Government employee, unaware of the general prohibition against the use of travel agents, who inadvertently purchases transportation with personal funds from a travel agent, may be paid for travel costs which would have been properly chargeable had the requested service been obtained by the traveler directly from the carrier.

This is consistent with 4 CFR 52.3 which states regarding the use of travel agencies that:

"(c) No payment is to be made to a travel agency for charges in excess of those which would have been properly chargeable had the requested service been obtained by the traveler direct from the carrier or carriers involved."

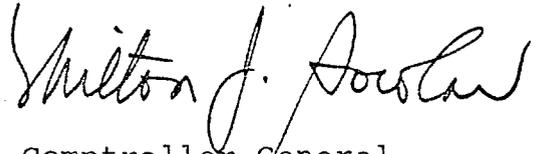
This decision is also consistent with our reasoning in those transportation cases where a contract with a carrier to perform interstate transportation service on a Government bill of lading is unenforceable because the carrier lacks operating authority as required under the Interstate Commerce Act, 49 U.S.C. 1 et seq. (1976). In such circumstances, since the Government has received the benefit of these services, we have authorized payment on a quantum meruit basis. B-193727, May 18, 1979.

Therefore, we authorize payment of the travel vouchers in question consistent with this decision. Since the GSA is responsible for promulgating the FTR, we are sending that agency a copy of our decision in this matter for its consideration.

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The vouchers and supporting papers accompanying
your request are returned.

A handwritten signature in cursive script, reading "Milton J. Fowler". The signature is written in dark ink and is positioned above the typed name.

For the Comptroller General
of the United States

Enclosures